



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Nevada State Office
1340 Financial Boulevard
Reno, NV 89502-7147
<http://www.blm.gov/nv>

In Reply Refer To:
3120 (LLNV-E000)

DECISION RECORD

Bureau of Land Management	:	Decision Record
Nevada State Office	:	DOI-BLM-NV-E020-2015-0049-EA
1340 Financial Blvd.	:	
Reno, Nevada 89502	:	

I have reviewed the Final Environmental Assessment for the March, 2016 Oil and Gas Lease Sale, Elko District Office, Nevada (DOI-BLM-NV-E020-2015-0049-EA), and have issued a Finding of No Significant Impact (FONSI). It is my decision to approve the Proposed Action as described in the Environmental Assessment (EA). The sale of oil and gas lease parcels would adhere to the following:

Leasing Commitments

- Once the parcels are sold, the lessee has the right to use as much of the leased lands as is reasonably necessary to explore and drill for oil and gas within the lease boundaries, subject to the stipulations attached to the lease and must obtain Bureau of Land Management (BLM) approval prior to conducting any new ground disturbances.
- Oil and gas leases are issued for a 10-year period and continue for as long thereafter as oil or gas is produced in paying quantities. If a lessee fails to produce oil or gas, does not make annual rental payments, does not comply with the terms and conditions of the lease, or relinquishes the lease; ownership of the minerals reverts back to the federal government and the lease can be resold.
- Prior to any surface disturbing activities, additional National Environmental Policy Act (NEPA) analysis is required.
- Drilling of wells on a lease is not permitted until the lease owner or operator secures approval of a drilling permit and a surface use plan specified under Onshore Oil and Gas Orders.
- All development activities proposed under the authority of these leases are subject to compliance with Section 106 of the National Historic Preservation Act and Executive Order 13007.
- All development activities proposed under the authority of these leases are subject to compliance with Section 7 of the Endangered Species Act.

Resource Conservation Measures

- Direct avoidance of any eligible cultural resources
- Implementation of the BLM's Best Management Practices
- Adherence to attached parcel stipulations
- Additional site-specific NEPA analysis prior to any ground disturbing activities
- Conservation of Greater Sage-Grouse habitat

AUTHORITIES

- 1) The Proposed Action is in conformance with the Elko (1987) and Wells (1985) approved Resource Management Plans. Section 1.2 of the final EA documents the conformance with the BLM Land Use Plan.
- 2) The Proposed Action is also consistent with all relevant federal, state, and local statutes, regulations, and plans as described in section 1.3 of the final EA.

RATIONALE FOR DECISION

The EA analyzed two alternatives: the Proposed Action, and the No Action Alternative. A project notice was sent to other federal agencies, Native American Tribes, the Nevada State Clearinghouse and interested public on October 6, 2015. The EA was placed on the BLM NEPA Register website for 30 days for public review until November 6, 2015. The BLM received three external comments from individuals and government agencies on the proposed action during the 30-day comment period. Most comments expressed concerns about leasing within wild horse Herd Management Areas (HMA), potential indirect effects from hydraulic fracturing, air quality, water consumption, and groundwater contamination. The final EA is available on the BLM website at www.nv.blm.gov.

The Proposed Action was selected over the other alternative because it meets the purpose and need for action and results in the least amount of environmental impact.

APPEALS

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, a notice of appeal and/or request for stay must be filed in writing, on paper, in this office, either by mail or personal delivery. Notices of appeal and/or request for stay that are electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as timely filed. The notice of appeal is considered filed as of the date our office receives the hard copy and places our BLM date stamp on the document.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards

listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

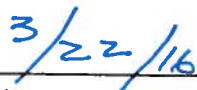
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Gene Seidlitz
Acting Deputy State Director Minerals Management



Date

Enclosure:
Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

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- 1. NOTICE OF APPEAL.....** A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the **FEDERAL REGISTER**, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
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- 2. WHERE TO FILE**
- NOTICE OF APPEAL..... Bureau of Land Management, Nevada State Office
1340 Financial Blvd.
Reno, NV 89502-7147
- WITH COPY TO SOLICITOR... Regional Solicitor Pacific Southwest Region, United States Dept. of the Interior
2800 Cottage Way, Room E-1712, Sacramento, CA 95825
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- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR..... Regional Solicitor Pacific Southwest Region, United States Dept. of the Interior
2800 Cottage Way, Room E-1712, Sacramento, CA 95825
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- 4. ADVERSE PARTIES.....** Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
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- 5. PROOF OF SERVICE.....** Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
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- 6. REQUEST FOR STAY.....** Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.
- Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.